



COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- | | | | |
|--------------------------|-----------------------|--------------------------|----------------------|
| <input type="checkbox"/> | original | <input type="checkbox"/> | divisional |
| <input type="checkbox"/> | design | <input type="checkbox"/> | continuation |
| <input type="checkbox"/> | supplemental | <input type="checkbox"/> | continuation-in-part |
| X | national stage of PCT | | |

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled AN INTRALUMINAL INFLATABLE COUNTER-PULSATION HEART ASSIST DEVICE, the specification of which

- (a) ☐ is attached hereto OR
(b) X was filed on August 4, 2003 as United States Application Serial No. 10/634,462, and was amended on _____ if applicable
(c) ☐ was described and claimed in PCT International Application No. _____, filed on _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56, including for continuation-in-parts applications, material information which became available between the filing date of the prior application and the filing date of the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC 119 (a) – (d), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by check the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s) or any PCT international application having a filing date before that of the application of which priority is claimed.

- (d) ☐ no such applications have been filed
(e) ☐ such application have been filed as follows:

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No
2002952730	Australia	November 15, 2002	X	

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claims the benefit under 35 USC § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a), regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status-patented, pending, abandoned

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Brooks, James C., Reg. 29,898
 Campione, Trent E. 46,598
 Daybell, Donald, Reg. 50,877
 Fowler, Charles C., Reg. 39,675
 Geriak, James W., Reg. 20,233
 Liu, Joseph K. 51,957
 McKernan, Lynn Reg. 41,986
 Melville, Hope E., Reg., 34,874

Miller, Jeff Reg. 35,287
 Mulville, Kurt T., Reg. 37,194
 Roberts, Kenneth S., Reg. 38,283
 Stockwell, Davin M., Reg. 41,334
 Stone, Samuel B., Reg. 19,297
 Wang, David E., Reg. 38,358
 Ward, Lisa C., Reg. 41,421

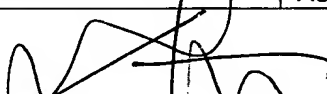
Direct all correspondence to :


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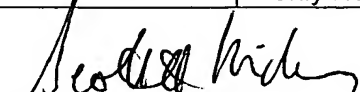
PATENT TRADEMARK OFFICE


Orrick, Herrington & Sutcliffe LLP
 Attn: James W. Geriak
 4 Park Plaza, Suite 1600
 Irvine, CA 92614-2558
 Tel. (949) 567-6700
 Fax. (949) 567-6710

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name William	MIDDLE Initial Suttle	LAST Name Peters	
	RESIDENCE & CITIZENSHIP	City Remuera, Auckland	State or Foreign Country New Zealand	Country of Citizenship New Zealand	
	POST OFFICE ADDRESS	93 Bassett Road	City Remuera, Auckland	State or Country New Zealand	Zip Code 1005
INVENTOR'S SIGNATURE				Date: 14/0ct/07	

202	FULL NAME OF INVENTOR	FIRST Name Hans	MIDDLE Initial Hansforth	LAST Name Henrichsen	
	RESIDENCE & CITIZENSHIP	City Wollongong NSW	State or Foreign Country Australia	Country of Citizenship Australia	
	POST OFFICE ADDRESS	26/21 Market Street	City Wollongong NSW	State or Country Australia	Zip Code 2500
INVENTOR'S SIGNATURE				Date: 3/nov/03	

203	FULL NAME OF INVENTOR	FIRST Name Scott	MIDDLE Initial Hugh	LAST Name Miller	
	RESIDENCE & CITIZENSHIP	City Manly NSW	State or Foreign Country Australia	Country of Citizenship USA	
	POST OFFICE ADDRESS	35/10 Darley Road	City Manly NSW	State or Country Australia	Zip Code 2095
INVENTOR'S SIGNATURE  Date: 13 Oct 03					

204	FULL NAME OF INVENTOR	FIRST Name Rodney	MIDDLE Initial Gordon	LAST Name Parkin	
	RESIDENCE & CITIZENSHIP	City Crows Nest NSW	State or Foreign Country Australia	Country of Citizenship Australia	
	POST OFFICE ADDRESS	38 Burlington Street	City Crows Nest NSW	State or Country Australia	Zip Code 2065
INVENTOR'S SIGNATURE  Date: 15 Oct 2003					

Please type a plus sign (+) inside this box →

+

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	10/634,462
	Filing Date	4 August 2003
	First Named Inventor	William Suttle PETERS et al
	Title	An Intraluminal Inflatable Counter-pulsation Heart Assist Device
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	

I hereby appoint

☐ Practitioners at Customer Number → Place Customer
Number Bar Code
Label Here

OR

☐ Practitioner(s) named below:

Name	Registration Number

As my/our attorney(s) or agents(s) to prosecute the application identified above, and to transact all Business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number

OR

☐ Practitioners at Customer Number →

<input type="checkbox"/> Firm or Individual Name				
Address				
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Telephone		Fax		

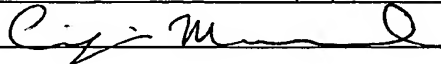
I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Orrick Herrington & Sutcliffe LLP

Name & Title	CRISPIN MARSH, DIRECTOR
Signature	
Date Date Month Year	18 NOV. 2003.

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more that one signature is required, see below *.

☒ * Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, US Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 2023.

SF 1343318v1

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Sunshine Heart Company Pty LtdApplication No./Patent No.: 10/634,462 Filed/Issued Date: 4 August 2003Entitled: An Intraluminal Inflatable Counter-pulsation Heart Assist DeviceSunshine Heart Company Pty Ltd a an Australian company ACN 090 552 300

(Name of Assignee)

(Type of Assignee, eg., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title, and interest.
 The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the Inventor(s), of the patent application/patent identified above, to the current assignee As shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (ie., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, If the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Sunshine Heart Company Pty Ltd

18 NOV 2003
 Date
 Day Month Year

CRISPIN MARSH
 Typed or printed name

[Signature]
 Signature

DIRECTOR
 Title

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